# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Г	Ceam:	CCRB Case #:	Force	$\overline{\checkmark}$	Discourt	. 🔲 U.S.
Cassandra Fenkel	s	quad #14	201705935	✓ Abuse	$\overline{\checkmark}$	O.L.	✓ Injury
Incident Date(s)	I	Location of Incident:		Precinct	t: 18	Mo. SOL	EO SOL
Friday, 07/14/2017 7:00 PM		In front of §87(2)(b) 81st Precinct Stationhouse		81	1/	/14/2019	1/14/2019
Date/Time CV Reported	(	CV Reported At:	How CV Reported	d: Date/T	ime Rece	eived at CC	CRB
Fri, 07/14/2017 7:35 PM	I	AB	Phone	Thu, 07	7/20/201	7 2:34 PM	Í
Complainant/Victim	Type	Home Add	ress				
Witness(es)		Home Add					
Subject Officer(s)	Shield	TaxID	Command				
1. An officer							
2. POM Sean Mcdonnell	25832	955162	081 PCT				
3. POM Kevin Lynch	05413	958850	PSA 3				
4. POM Douglas Connolly	10261	954665	081 PCT				
<ul><li>5. Officers</li><li>6. DTS Wilson Verdesoto</li></ul>	01006	027695	PSA 3				
7. POM Nelson Liu	19376	937685 959763	PSA 3				
Witness Officer(s)	Shield No	Tax No	Cmd Name				
1. POF Norvely Lopez	20520	954079	PSA 3				
Officer(s)	Allegation			Iı	nvestiga	tor Reco	mmendation
A. An officer	Discourtes	y: At <sup>§ 87(2)(b)</sup> spoke discourteously	in B	Brooklyn,			
B. Officers	Force: At §	-	in Brookly	yn,			
C.POM Douglas Connolly	Abuse: At Police Offi which § 87(2)	87(2)(b) cer Douglas Connoll	in Brookl ly searched the vehic were occupants.				

Officer(s)	Allegation	<b>Investigator Recommendation</b>
D.POM Sean Mcdonnell	Force: At § 87(2)(b) in Brooklyn, Police Officer Sean Mcdonnell used physical force against § 87(2)(b)	
E.POM Sean Mcdonnell	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Sean Mcdonnell spoke discourteously to \$87(2)(b)	
F.POM Sean Mcdonnell	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Sean Mcdonnell spoke discourteously to \$87(2)(b)	
G.POM Sean Mcdonnell	Off. Language: At \$87(2)(b) Police Officer Sean Mcdonnell made remarks to \$87(2)(b) based upon the gender of \$87(2)(b)	
H.POM Sean Mcdonnell	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Sean Mcdonnell acted discourteously toward \$87(2)(b)	
I.POM Sean Mcdonnell	Force: At § 87(2)(b) in Brooklyn, Police Officer Sean Mcdonnell hit § 87(2)(b) against a vehicle.	
J. An officer	Abuse: At \$87(2)(b) in Brooklyn, an officer detained \$87(2)(b)	
K. An officer	Force: At § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)	
L.POM Kevin Lynch	Force: At § 87(2)(b) in Brooklyn, Police Officer Kevin Lynch used physical force against § 87(2)(b)	
M.DTS Wilson Verdesoto	Force: At \$87(2)(b) in Brooklyn, Detective Wilson Verdesoto used physical force against \$87(2)(b)	
N.POM Nelson Liu	Force: At § 87(2)(b) in Brooklyn, Police Officer Nelson Liu used physical force against § 87(2)(b)	
O. Officers	Force: At § 87(2)(b) in Brooklyn, officers used physical force against § 87(2)(b)	
P.POM Sean Mcdonnell	Discourtesy: At the 81st Precinct stationhouse, Police Officer Sean Mcdonnell spoke discourteously to (5)	
Q. Officers	Force: At the 81st Precinct stationhouse, officers used physical force against §87(2)(b)	

## **Case Summary**

On July 14, 2017, \$87(2)(b) called 911 and was connected to the IAB
Command Center, where she filed this complaint on behalf of herself, her \$87(2)(b) -old daughter,
\$ 87(2)(b) her \$ 87(2) and \$ -year-old sons, \$ 87(2)(b) and \$ 87(2)(b)
her husband, § 87(2)(b) her adult nephews, § 87(2)(b) and § 87(2)(b)
and her sister, \$87(2)(b) On July 15, 2017, \$87(2)(b) a non-
witnessing complainant, called the IAB Command Center and filed this complaint on behalf of
her \$87(2)(b) -old son, \$87(2)(b) This complaint was received at the CCRB on July 20,
2017.
On July 14, 2017, at approximately 7:00 p.m., PO Sean Mcdonnell and PO Douglas
Connolly, both of the 81 <sup>st</sup> Precinct, responded a radio run for an officer in need of assistance at
in Brooklyn. PO Kevin Lynch, PO Norvely Lopez, PO Nelson
Liu, and Det. Wilson Verdesoto, all of PSA 3, also responded to the location. An unidentified
officer allegedly spoke discourteously to § 87(2)(b) (Allegation A: Discourtesy,
§ 87(2)(9) . Unidentified officers allegedly threw § 87(2)(6) to the ground
(Allegation B: Force, \$87(2)(9)  ). PO Connolly allegedly searched \$87(2)(5)
s vehicle (Allegation C: Abuse of Authority, \$37(2)(9) ). PO Sean Mcdonnell
allegedly pushed \$87(2)(b) spoke discourteously toward \$87(2)(b)
and \$87(2)(b) made a remark to \$87(2)(b) based upon her gender, and
knocked a cell phone from §87(2)(b) s hand (Allegation D: Force,
; Allegations E - F: Discourtesy, § 87(2)(9) , Allegation G: Offensive
Language, § 87(2)(9); Allegation H: Discourtesy, § 87(2)(9).
PO Mcdonnell allegedly pushed \$87(2)(b) s head against a vehicle (Allegation I:
Force, \$87(2)(9) . An unidentified officer allegedly pushed, kicked, and handcuffed
who was ultimately released (Allegations J - K: Abuse of Authority,
\$ 87(2)(9)
incident with his grandmother, \$87(2)(5) and PO Lynch, Det. Verdesoto, PO Liu, and
unidentified officers allegedly brought \$87(2)(b) to the ground and kicked him (Allegation
L - N: Force, § 87(2)(9) , Allegation O: Force, § 87(2)(9) ).
was transported to the 81 <sup>st</sup> Precinct stationhouse, where PO Mcdonnell
allegedly spoke discourteously to him ( <b>Allegation P: Discourtesy</b> , §87(2)(9)
and §87(2)(b) went to the 81 <sup>st</sup> Precinct
stationhouse and unidentified officers allegedly used force against §87(2)(6)
(Allegation Q: Force, §87(2)(9)
§ 87(2)(b) was arrested for § 87(2)(b)
(Board Review 01). \$87(2)(b) was arrested on an outstanding warrant (Board
Review 02). § 87(2)(b) was arrested for § 87(2)(b)
(Board Review 03).
§ 87(2)(b), § 87(2)(c)
provided a cell phone video of the incident that was recorded by a
bystander whom § 87(2)(b) refused to identify. The original footage can be found

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in IA #41 (Board Review 07) and is summarized in IA #216 (Board Review 08). A SnagIt copy has been placed below.

#### **Findings and Recommendations** Allegation A – Discourtesy: At § 87(2)(b) in Brooklyn, an officer spoke discourteously to § 87(2)(b) § 87(2)(b) (Board Review 09) testified that she received a phone call from who told her that officers were arresting § 87(2)(b) § 87(2)(b) arrived within five minutes and observed 10 uniformed officers standing around §87(2)(b) who was handcuffed. § 87(2)(b) asked the officers what they were doing and an unidentified officer, who \$87(2)(b) described as a light-skinned Hispanic man standing approximately 5' tall with a slim build wearing jeans and a blue t-shirt, allegedly stated, "Shut the fuck up, bitch." The officer told that § 87(2)(b) was arrested on an open warrant, which disputed. The officer allegedly stated, "You could be the next bitch out § 87(2)(b) here." (Board Review 10), who was seated inside of § 87(2)(b) parked vehicle outside of the location, said she heard §87(2)(b) ask the officers what was being arrested for, and an unidentified officer allegedly replied, "It's none of your business, bitch." was uncooperative with the investigation (see IAs for contact attempts).

A

201705935 20180301 1208 DM.mp4

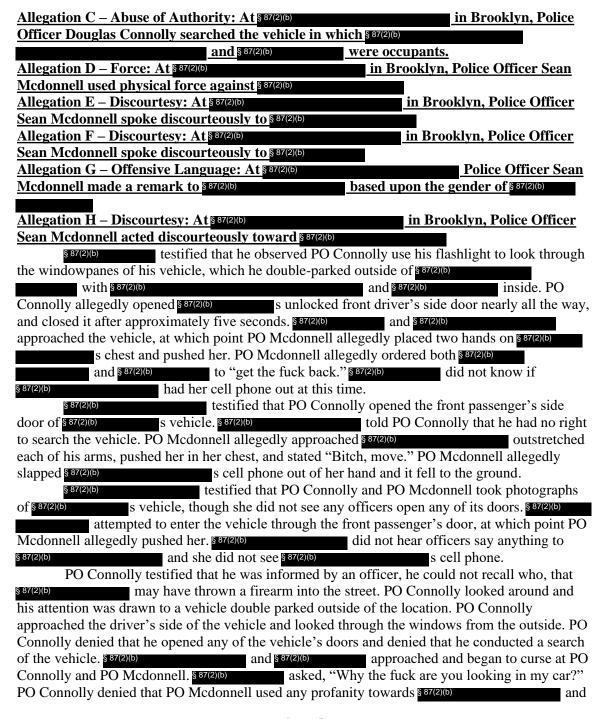
The video footage provided by \$87(2)(b) depicts numerous uniformed and plainclothed officers standing in the street and on the sidewalk. No physical interaction with any civilians is depicted. \$87(2)(b) identified as the woman in the purple shirt visible at the 00:01 mark, yells various obscenities such as "faggot ass cop" and "fucking dickhead." No other verbal interactions are depicted.

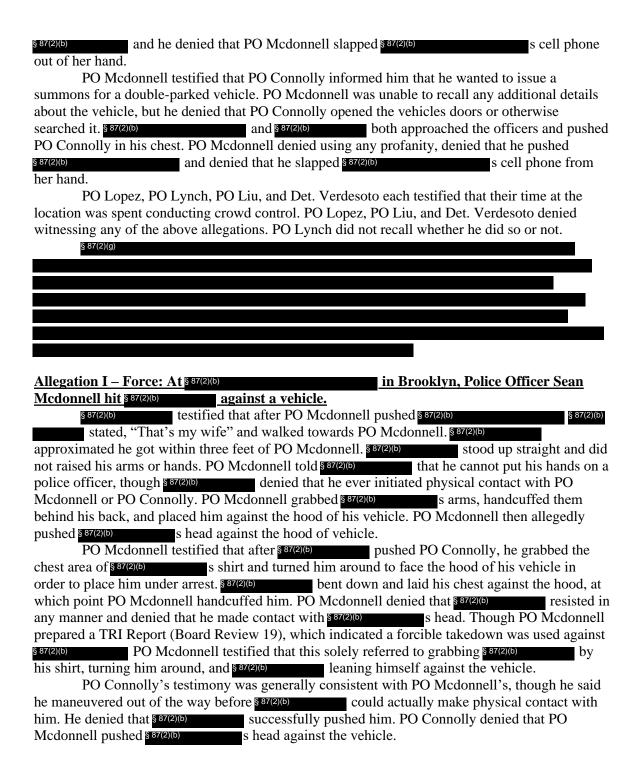
PO Connolly (Board Review 11) testified that a dark-skinned woman in her late twenties told him that the officers had no right to be at the location "harassing everyone." PO Connolly informed the woman that the officers were following up on individuals with open warrants due to a recent shooting in the area. Det. Verdesoto (Board Review 12) testified that he conducted crowd control and specifically ordered a woman to "get your son back." Det. Verdesoto was unable to recall this aspect of the incident in more detail and could not recall how this woman or her son gained his attention. Both Det. Verdesoto and PO Connolly denied using profanity during this incident and denied hearing any other officers do so.

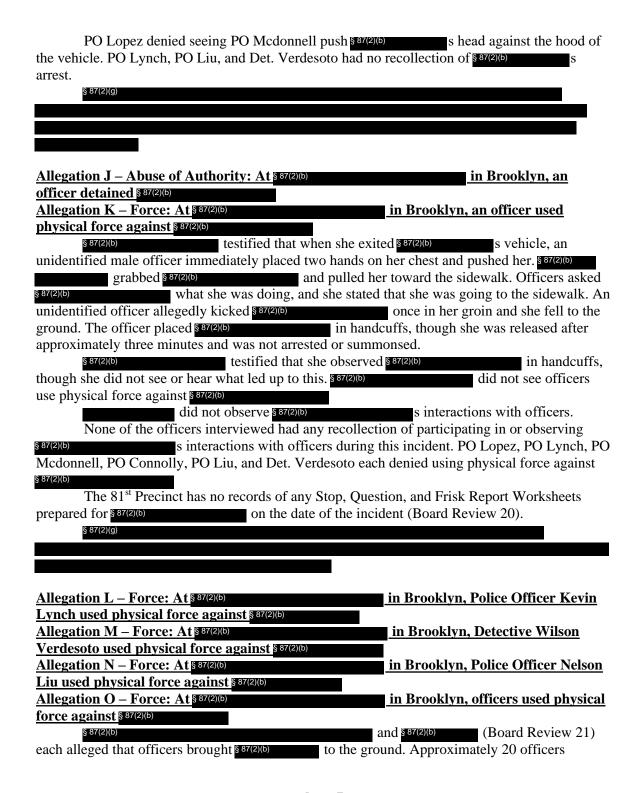
PO Mcdonnell (Board Review 13), PO Lopez (Board Review 14), PO Liu (Board Review 15), and PO Lynch (Board Review 16) did not recall having any interactions with 397(2)(b) or observing any other officer's interactions with her. PO Mcdonnell, PO Lopez, and

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PO Liu denied using profanity during the incident and	d denied hearing any other officer do so. PO
Lynch did not recall if he or any other officers used p	profanity during this incident.
§ 87(2)(g)	
Allegation B – Force: At § 87(2)(b)	in Brooklyn, officers used physical
force against § 87(2)(b)	in broomyn, officers about physicar
	ded a brief phone statement, during which
he alleged that approximately 20 unidentified officers	
	iding a verified statement to the investigation
(see IAs for contact attempts).	ding a verified statement to the investigation
s <sup>87(2)(b)</sup> alleged that officers p	bushed § 87(2)(b) inside a patrol
car, so that his neck to hit the roof of the car.	inside a patroi
\$87(2)(b) testified that she obs	served § 87(2)(b) in handcuffs, but
she did not allege that officers used physical force ag	
(Board Review 18) testified	
being placed inside of a patrol car. § 87(2)(b) di	
body make contact with the roof of the patrol car.	ad not see any part of §87(2)(b)
PO Lopez testified that she observed unident	ified officers whom she believed to be from
the 81 <sup>st</sup> Precinct escort §87(2)(b) to a patrol	
initially yelled "I'm not going!," but ultimately entered	
denied that any physical force was used against PO Lynch testified that he observed unidentity	
	ere appeared to be any issue with \$87(2)(b)
PO Lynch did not recall if officers push	*
and denied seeing officers use any other physical force	
PO Mcdonnell, PO Connolly, PO Liu, and Do	et. Verdesoto did not observe \$ 87(2)(0)
§ 87(2)(b) interact with any officers.	
§ 87(2)(g)	







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allegedly circled \$87(2)(6) kicked him in his torso and legs, and stomped on his face
numerous times.
\$ 87(2)(b) s interactions with officers.
was uncooperative with the investigation (see IAs for contact attempts).
PO Lynch testified that he was conducting crowd control and instructing approximately
50 civilians to get back when §87(2)(b) emerged from the crowd and pushed Det. Verdesoto
in his chest. PO Lynch and Det. Verdesoto each grabbed one of \$87(2)(b) s arms.
tried to pull his arms away. PO Liu approached to assist and also grabbed one of
s arms. Believing he would have more control of \$87(2)(b) on the ground, PO
Lynch leg swept \$87(2)(b) landed chest down on the ground. PO Lynch
grabbed and held \$87(2)(b) s legs until \$87(2)(b) was handcuffed. PO Lynch denied
that he used any additional physical force against \$87(2)(b) and denied seeing any other
officers do so.
PO Liu testified that §87(2)(b) pushed an officer, he could not recall who, in the
chest. This officer, along with other approximately 10 additional unidentified officers, surrounded
PO Liu's view was obstructed by the officers' backs for approximately 10
seconds. When he next observed §87(2)(b) he was lying on the ground moving his legs.
Fearing \$87(2)(b) might kick an officer, PO Liu held \$87(2)(b) s ankles against the
ground. PO Liu could not recall if \$87(2)(b) was making any other movements and did not
recall what the other officers were doing at this point. § 87(2)(b) was handcuffed within one
minute. Aside from holding his ankles, PO Liu did not use any physical force against
\$87(2)(6) and denied seeing any other officers do so.
Det. Verdesoto did not recall interacting with \$87(2)(6)  He denied that he used any
physical force against \$87(2)(6) and denied seeing any other officers do so. Det. Verdesoto
had no recollection of being pushed by any civilian and denied that he had any physical contact
with any civilian during this incident.
PO Lopez testified that she observed \$87(2)(6) on the ground, but did not see the
circumstances leading up to this. She denied seeing officers use any physical force against him.
PO Connolly and PO Mcdonnell testified that they were transporting \$87(2)(6) and
did not witness this aspect of the incident. Though PO Mcdonnell prepared a TRI Report (Board
Review 22) indicating that \$87(2)(b) was brought to the ground, he denied that he witnessed
or participated in this aspect of the incident. He said he was instructed to prepare the TRI Report
by the desk sergeant at the stationhouse.
§ 87(2)(g)
3 - X (- / (3))
Allegation P – Discourtesy: At the 81st Precinct stationhouse, Police Officer Sean
Mcdonnell spoke discourteously to § 87(2)(b)

testified that he was transported to the 81 <sup>st</sup> Precinct stationhouse and brought to the stationhouse front desk, where PO Mcdonnell allegedly stated, "This guy thinks he's tough and lets his fucking wife speak for him."  PO Mcdonnell acknowledged that he accompanied [887(2)(6)] to the front desk and obtained his pedigree information for his command log entry. However, he said no other conversation occurred. PO Mcdonnell denied making the alleged discourteous statement.  PO Connolly said that he was with PO Mcdonnell and [897(2)(6)] at the front desk. PO Connolly testified that [897(2)(6)] spoke briefly about his job and how important it was to him. PO Connolly did not recall hearing PO Mcdonnell make the alleged discourteous statement.  Neither PO Lopez, PO Lynch, PO Liu, nor Det. Verdesoto were present during this aspect of the incident.  [887(2)(9)]
Aller 2 O. France A441 . 91-4 Decimal 4-4-2 66
Allegation Q – Force: At the 81st Precinct stationhouse, officers used physical force against
testified that she went to the 81 <sup>st</sup> Precinct stationhouse after the incident, where she met \$87(2)(b) who told her that unidentified officers allegedly "beat" \$87(2)(b) for refusing to leave the stationhouse.  \$87(2)(b) testified that at the stationhouse, he overheard loud voices and someone, he could not distinguish who, state that "they didn't do nothing." \$87(2)(b) observed an officer escort \$87(2)(b) who was handcuffed, toward the rear of the stationhouse.  \$87(2)(b) after this point.  \$87(2)(b) was unavailable to the investigation (see IAs for contact attempts) and \$87(2)(b) was uncooperative with the investigation (see IAs for contact attempts).
Civilian and Officer CCRR Histories
• This is the first CCRB complaint to which \$87(2)(b) (Board Review 23), \$87(2)(b) (Board Review 24), \$87(2)(b) (Board Review 25), \$87(2)(b) (Board Review 26), \$87(2)(b) (Board Review 28), \$87(2)(b) (Board Review 29), \$87(2)(b) (Board Review 30), \$87(2)(b) (Board Review 31), and \$87(2)(b) (Board Review 32) have been a party.  • PO Mcdonnell has been a member-of-service for four years and has been a subject in five complaints and 10 allegations, none of which were substantiated. \$87(2)(9)

- PO Connolly has been a member-of-service for four years and has been a subject in two complaints and four allegations, none of which were substantiated. § 87(2)(9)
- PO Lynch has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.
- Det. Verdesoto has been a member-of-service for 13 years and has been a subject in 16 CCRB complaints and 35 allegations, of which four allegations were substantiated:
  - CCRB case #201606686 involved substantiated allegations of physical force, refusal to provide name and shield number, a frisk, and a search of person against Det. Verdesoto. The Board recommended Command Discipline B for each substantiated allegation. The NYPD imposed formalized training for the frisk and search allegations and imposed no disciplinary action for the physical force and refusal to provide name and shield number allegations.
- PO Liu has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of March 2, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 33).

§ 87(2)(b), § 87(2	()(c)		
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vestigator:	Signature	Print Title & Name	Date
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ıuad Leader:	Signatura	Print Title & Name	——————————————————————————————————————
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	Signature	Print Title & Name	Date

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